

1 GREGORY A. KATSAS
Acting Assistant Attorney General
2 GREGORY A. BROWER
United States Attorney
3 District of Nevada
GREG ADDINGTON
4 Assistant United States Attorney
Nevada Bar 6875
5 100 West Liberty, Suite 600
Reno, Nevada 89501
6 VINCENT M. GARVEY
Deputy Branch Director
7 CARLOTTA P. WELLS
RAPHAEL O. GOMEZ
8 Senior Trial Counsel
Federal Programs Branch
9 Civil Division - Room 7150
U.S. Department of Justice
10 20 Massachusetts Ave., NW/P.O. Box 883
Washington, D.C. 20044
11 Telephone: (202) 514-4522
Facsimile: (202) 616-8470

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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 DENNIS MONTGOMERY, et al.,

15 Plaintiffs,

16 v.

17 ETREPPID TECHNOLOGIES, INC.,
18 et al.,

19 Defendants.

3:06-CV-00056-PMP-VPC
BASE FILE

3:06-CV-00145-PMP-VPC

20
21 **UNITED STATES' MOTION FOR EXTENSION OF TIME**
22 **TO FILE STATUS REPORT PURSUANT TO OCTOBER 16, 2008 MINUTE ORDER**

23 By Order dated October 9, 2008 (docket no. 874), this Court informed the parties that it
24 would be scheduling a hearing regarding, inter alia, the settling parties' proposed stipulation of
25 dismissal, and identified various matters to be addressed at such hearing, including the status of
26 the United States "review of the documents under review in the Rule 3.3 matter and when that
27 review will be completed." By Minute Order dated October 16, 2008 (docket no. 876), this
28 Court set the hearing for November 19, 2008, and directed that responses and other submissions

1 identified by this Court in its October 9, 2008 Order, including the United States' status report,
2 be filed on November 7, 2008. The United States hereby moves to extend the time for
3 submission of the status report by one week, or until November 14, 2008. The reasons in support
4 of this motion are as follows:

5 1. On October 17, 2008, the United States and the Montgomery parties submitted a
6 [Proposed] Stipulation to Amend the Court's February 19, 2008 Order Regarding Enforcement of
7 the U.S. Protective Order (docket no. 877). The February 19, 2008 order set forth a process for
8 the government's review of the files in the possession of the former counsel for the Montgomery
9 parties, for the purpose of redacting information covered by the military and state secrets
10 privilege. The Court approved the Stipulation on November 4, 2008 (docket no. 881). Until the
11 November 4 order was issued, undersigned counsel could not access or otherwise discuss the
12 content of the former counsel files under review by government officials.

13 2. Shortly after receiving the November 4 order, undersigned counsel inquired about the
14 status of the review of former counsel's files and how long it would take for such review to be
15 completed now that additional personnel might be able to assist in the review. At that time,
16 undersigned counsel was informed about several issues, including technical difficulties, that
17 affect the calculation of the time required for review of the files.

18 3. For purposes of submitting a status report regarding review of documents in the Rule
19 3.3 matter, government counsel needs additional time to consult with the government officials
20 responsible for reviewing the former counsel's files. The potential declarant is scheduled to be
21 out of the office from mid-day Thursday, November 6, 2008 through Monday, November 10,
22 2008. Tuesday, November 11, 2008 is a federal holiday. In order to have adequate time for
23 consultation between counsel and government officials, the United States requests an additional
24 week, or until November 14, 2008, to submit the status report.

1 **Conclusion**

2 For the foregoing reasons, the United States' motion for a one-week extension of time to
3 file its status report, or until November 14, 2008, should be granted.

4 DATED: November 7, 2008

5 Respectfully submitted,

6 GREGORY A. KATSAS
Assistant Attorney General

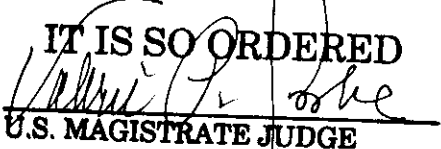
7 GREGORY A. BROWER
8 United States Attorney
District of Nevada

9 GREG ADDINGTON
10 Assistant United States Attorney
Nevada Bar 6875
11 100 West Liberty, Suite 600
12 Reno, Nevada 89501

13 VINCENT M. GARVEY
Deputy Branch Director

14 /s/ Raphael O. Gomez
15 CARLOTTA P. WELLS
16 RAPHAEL O. GOMEZ
17 Senior Trial Counsel
Federal Programs Branch
Civil Division - Room 7150
18 U.S. Department of Justice
20 Massachusetts Ave., NW
19 P.O. Box 883
Washington, D.C. 20044

20 Counsel for United States
21 Department of Defense

22
23 **IT IS SO ORDERED**
24 
25 **U.S. MAGISTRATE JUDGE**

26 **DATED:** November 14, 2008
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